

Date

## CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## SPECIAL PERMIT APPLICATION • COVER SHEET

In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises indicated below.

Location of Premises:	249 Third Street			
Zoning District:	IA-1/ECHO			
Applicant Name:	Equity Residential			
Applicant Address:	1500 Massachusetts Avenue, N.W. Washington, D.C. 20005			
Contact Information:	202 971 7087 rboales@eqr.com Telephone # Email Address Fax #			
Applicant is responsible	permit(s) (with reference to zoning section numbers) below. Note that the for seeking all necessary special permits for the project. A special permit cannot cifically requested in the Application.			
Amendment to Proje	ect Review Special Permit (Case #301), granted October 6, 2015.			
List all submitted materi	als (include document titles and volume numbers where applicable) below.			
Project Narrative; Pl	ans/Drawings; Appendix			
Signature of Applicant	fal le Daut			
For the Planning Board, (CDD) on the date speci-	this application has been received by the Community Development Department fied below:			

Signature of CDD Staff

	Existing	Allowed or Required	Approved (10/6/2015)	Proposed	Permitted
Lot Area (sq ft)	26,918	5,000	26,918	26,918	
Lot Width (ft)	217.65	50	217.65	217.65	
Total GFA (sq ft)	N/A	87,484	71,897	86,381	
Residential Base	N/A	67,295	54,121	66,189	22.2
Non-Residential Base	N/A	33,648	1,540	1,420	100
Inclusionary Bonus	N/A	20,189	16,256	18,772	
Total FAR	N/A	3.25	2,67	3.21	
Residential Base	N/A	2.50	2.01	2.46	
Non-Residential Base	N/A	1.25	0.06	0.05	
Inclusionary Bonus	N/A	0.75	0.60	0.70	
Total Dwelling Units	N/A	90	84	84	
Base Units	N/A	69	TBD	64	
Inclusionary Bonus Units	N/A	21	TBD	20	
Base Lot Area / Unit (sq ft)	N/A	300	320	320	10 State 1
Total Lot Area / Unit (sq ft)	N/A	300	320	320	
Height (ft)	N/A	45/55 max	45/55	45/55	
Front Setbacks (ft)	N/A	0/4	0/6	0/7	
Side Setback (ft)	N/A	10	10.2	10.1	- 1
Rear Setback (ft)	M/A	N/A	N/A	N/A	
Open Space (% of Lot Area)	20.70%	None	20.3%	20.4%	
Private Open Space	0		750	2,126	
Permeable Open Sapace	5,571		4,708	4,737	
Off-Street Parking Spaces	78	84	2	2	
Long-Term Bicycle Parking	С	89	89	90	
Short-Term Bicycle Parking	O	10	11	12	
Loading Bays	C C	N/A	N/A	N/A	

Use space below and/or attached pages for additional notes:

## OWNERSHIP CERTIFICATE

Project Address: 249 Third Street

• 1			
wner, signed, and submitted with the Special			
Equity Residential			
See cover page			
249 Third Street			
ASN Kendall Square LLC c/o Equity Residential			
Two North Riverside Plaza, Ste 400 Chicago IL, 60606			
Middlesex Book: 53735 Page: 180			
Book: Page:			
Officer or Agent, so identify)			
Suffolk			
personally appeared before me,			
and made oath that the above statement is true.			
Am			

Application Date: 9/15//(

Project Address: 249 Third Street

Application Date: \$\|5\|\[

The Applicant must provide the full fee (by check or money order) with the Special Permit Application. Depending on the nature of the proposed project and the types of Special Permit being sought, the required fee is the larger of the following amounts:

- If the proposed project includes the creation of new or substantially rehabilitated floor area, or a change of use subject to Section 19.20, the fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area.
- If a Flood Plain Special Permit is being sought as part of the Application, the fee is one thousand dollars (\$1,000.00), unless the amount determined above is greater.
- In any case, the minimum fee is one hundred fifty dollars (\$150.00).

Fee Calculation			
New or Substantially Rehabilitated	× \$0.10 = 1,448.40		
Flood Plain Special Permit	Enter \$1,000.00 if applicable:		
Other Special Permit	Enter \$150.00 if no other fee is applicable:		
TOTAL SPECIAL PERMIT FEE	Enter Larger of the Above Amounts: 1,448.40		

#### 249 Third Street Project Amendment Narrative

### I. <u>Project Overview</u>

On October 6, 2015, the Planning Board (the "Board") granted a series of special permits (Case #301) (the "Decision") to allow Equity Residential (the "Applicant" or "Equity") to construct an 84-unit residential apartment building (the "Project") on a 26,918 square foot lot at 249 Third Street (the "Property"). The Property, which is bounded by Third, Rogers, and Bent Streets, is developed with what was formerly operated as an approximately 77-space open air, paved parking lot, which will be replaced in its entirety by the Project.<sup>1</sup>

At the public hearings on the original special permit, the Board expressed a strong preference that, if feasible, the electrical transformer equipment associated with the Project be relocated from a proposed above-grade location in the rear yard to a below-grade site. After working with Eversource, Equity determined that it was feasible to make this change and began implementation. Unexpectedly, excavation for the transformer installation unearthed hazardous materials (including asbestos, PCBs and LNAPL) in the soils beneath the Property which require extensive remediation, including the excavation and off-site removal of 10,000 cubic yards (16,500 tons) of contaminated soils. The extent of the excavation will be approximately 10 feet deep over the entire footprint of the site. Rather than backfill this area, Equity proposes to use this unexpected condition as an opportunity enhance the Project for the benefit of its residents by adding a full basement. To do so, Equity is now seeking an amendment to the previously approved special permit to allow approximately 14,484 additional square feet of useable gross floor area at the Project, for a total of 86,381 square feet of gross floor area. The additional gross floor area will allow Equity to improve the ground floor lobby and create a visual connection between the Rogers Street Park and the Project's interior courtyard, add a 750 square foot ground floor leasing office, and create additional residential amenity and storage space on the new basement level.

As a result of the additional gross floor area, the Project's FAR will increase, but will remain within the as-of-right FAR in the ECHO District. The unit count (including affordable units) will remain the same. The Project height and building footprint also will remain the same. There will be no impact on Project parking. As such, Equity seeks only an amendment to the previously granted Project Review Special Permit.

### II. Compliance with Zoning

The Project is located within the IA-1 District and within the East Cambridge Housing Overlay

<sup>&</sup>lt;sup>1</sup> Parking lot operations ceased in June of 2016 when site preparation activities in connection with the approved Project commenced. In accordance with the special permits issued by the Board in 2015, users of the parking lot were relocated to the below-grade garages at Equity's other Kendall Square properties.

(ECHO) District. As set forth on the Dimensional Form submitted herewith, the proposed changes do not create any new zoning nonconformities. Accordingly, pursuant to the previously granted Special Permits for the Project, the Project will comply with all applicable provisions of the Ordinance. No additional zoning relief is required.

# III. Compliance with General Special Permit Criteria (Section 10.43)

As detailed in Section III of the Narrative of the original special permit application (the "Original Narrative") (see Tab 1-B hereto) and the Board's findings in the Decision, the Project meets the General Criteria for Issuance of a Special Permit pursuant to Section 10.43. The Project remains an 84-unit residential development with parking as described in the Decision; there are no changes to the approved building envelope/footprint. The proposed Project changes will serve to create additional resident amenity and storage space and will in no way alter the Project's compliance with any of the Special Permit criteria.

# IV. Compliance with Criteria Specific to Special Permits Being Sought

## A. Section 19.20 - Project Review Special Permit

As detailed in Section IV.A of the Original Narrative (see Tab 1 hereto), and the Board's findings in the Decision, the Project meets the criteria for a Project Review Special Permit. The proposed changes to the Project have no impact on its consistency with the urban design objectives set forth in Section 19.30 of the Ordinance. Moreover, the proposed changes will not affect Project traffic or parking.

# B. Conformance with Citywide Urban Design Objectives (Section 19.30)

(1) Heights and setbacks provide suitable transition to abutting or nearby residential zoning districts that are generally developed to low scale residential uses.

Please refer to the Original Narrative at Tab 1. There are no proposed changes to the height or the building as previously approved. The Project was previously granted relief pursuant to Section 5.34.2-b to allow a side yard setback of 10 feet; the currently proposed setback is 10.1 feet.<sup>2</sup>

(2) New buildings are designed and oriented on the lot so as to be consistent with the established streetscape on those streets on which the project lot abuts. Streetscape is meant to refer to the pattern of building setbacks and heights in relationship to public streets.

Please refer to the Original Narrative at Tab 1. The proposed changes do not affect the building design or its orientation on the lot.

(3) In mixed-use projects, uses are to be located carefully to respect the context, e.g. retail

<sup>&</sup>lt;sup>2</sup> The Approved Dimensional Chart dated October 6, 2015 shows a side yard setback of 10.2 feet; as a result of design refinements, the current setback is 10.1 feet.

should front onto a street, new housing should relate to any adjacent existing residential use, etc.

Please refer to the Original Narrative at Tab 1. The proposed changes do not affect the location of the retail component of the Project.

(4) Where relevant, historical context are respected, e.g. special consideration should be given to buildings on the site or neighboring buildings that are preferably preserved.

There are no historic structures on or abutting the Project site.

# 19.32 Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings. Indicators include:

(1) Ground floors, particularly where they face public streets, public parks, and publicly accessible pathways, consist of spaces that are actively inhabited by people, such as retail stores, consumer service businesses and restaurants where they are allowed, or general office, educational or residential uses and building lobbies. Windows and doors that normally serve such inhabited spaces are encouraged to be a prominent aspect of the relevant building facades. Where a mix of activities are accommodated in a building, the more active uses are encouraged facing public streets, parks and pathways.

In commercial districts, such active space consists of retail and consumer service stores and building lobbies that are oriented toward the street and encourage pedestrian activity on the sidewalk. However, in all cases such ground floor spaces should be occupied by uses (a) permitted in the zoning district within which the building is located, (b) consistent with the general character of the environment within which the structure is located, and (c) compatible with the principal use for which the building is designed.

Please see Original Narrative at Tab 1. In addition, in connection with the proposed lobby improvements, the building entrance has been relocated to the south side of the lobby, allowing for the addition of storefront glass to the building's retail space and additional glass on the back wall of the lobby. The proposed changes will enhance the pedestrian experience by creating a visual connection between the Rogers Street Park and the Project's interior courtyard. Covered parking on the lower floors of a building and on-grade open parking, particularly where located in front of a building, is discouraged where a building faces a public street or public park, and publicly accessible pathways.

Please refer to the Original Narrative at Tab 1. No changes to parking are proposed.

(2) Ground floors should be generally 25-50% transparent. The greatest amounts of glass would be expected for retail uses with lesser amounts for office, institutional or residential use.

Please refer to the Original Narrative at Tab 1. In addition, in connection with the proposed lobby reconfiguration, the building entrance has been relocated to the south side of the lobby, allowing for the addition of storefront glass to the building's retail space and additional glass on the back wall of the lobby. The proposed changes will enhance the pedestrian experience by creating a visual connection between the Rogers Street Park and the Project's rear courtyard.

(3) Entries to buildings are located so as to ensure safe pedestrian movement across streets, encourage walking as a preferred mode of travel within the city and to encourage the use of public transit for employment and other trips. Relating building entries as directly as possible to crosswalks and to pathways that lead to bus stops and transit stations is encouraged; siting buildings on a lot and developing site plans that reinforce expected pedestrian pathways over the lot and through the district is also encouraged.

Please refer to the Original Narrative at Tab 1. In addition, the building entrance will be moved approximately fifteen (15) feet south to enable a visual connection between the Rogers Street Park and the rear courtyard of the Project through a newly created lobby-level clubroom. A leasing office entrance on Rogers Street is also being added at the southwest corner of the building.

(4) Pedestrians and bicyclists are able to access the site safely and conveniently; bicyclists should have secure storage facilities conveniently located on-site and out of the weather. If bicycle parking is provided in a garage, special attention must be aid to providing safe access to the facilities from the outside.

Please refer to the Original Narrative at Tab 1. The proposed changes will allow the Project to provide a larger bicycle room (1,815 square feet) in the basement, which will have elevator access to the rear courtyard of the building. The Project will now provide 90 long-term bicycle parking spaces (an increase of 1 space) and 12 short-term bicycle parking spaces (an increase of 1 space). The short-term bicycle storage will still be located outside of the retail space to accommodate the short-term bicycle storage needs of visiting customers and in the rear courtyard to accommodate residents' visitors.

(5) Alternate means of serving this policy objective 19.32 through special building design, siting, or site design can be anticipated where the building form or use is distinctive such as freestanding parking structures, large institutional buildings such as churches and auditoriums, freestanding service buildings, power plants, athletic facilities, manufacturing plants, etc.

The Project continues to comply with policy objective 19.32.

19.33 The building and site design should mitigate adverse environmental impacts of a development upon its neighbors. Indicators include:

- (1) Mechanical equipment that is carefully designed, well organized or visually screened from its surroundings and is acoustically buffered from neighbors. Consideration is given to the size, complexity and appearance of the equipment, its proximity to residential areas, and its impact on the existing streetscape and skyline. The extent to which screening can bring order, lessen negative visual impacts, and enhance the overall appearance of the equipment should be taken into account. More specifically:
  - (a) Reasonable attempts have been made to avoid exposing rooftop mechanical equipment to public view from city streets. Among the techniques that might be considered are the inclusion of screens or a parapet around the roof of the building to shield low ducts and other equipment on the roof from view.
  - (b) Treatment of the mechanical equipment (including design and massing of screening devices as well as exposed mechanical elements) that relates well to the overall design, massing, scale and character of the building.
  - (c) Placement of mechanical equipment at locations on the site other than on the rooftop (such as in the basement), which reduces the bulk of elements located on the roof; however, at-grade locations external to the building should not be viewed as desirable alternatives.
  - (d) Tall elements, such as chimneys and air exhaust stacks, which are typically carried above screening devices for functioning reasons, are carefully designed as features of the building, thus creating interest on the skyline.
  - (e) All aspects of the mechanical equipment have been designed with attention to their visual impact on adjacent areas, particularly with regard to residential neighborhoods and views and vistas.
- (2) Trash that is handled to avoid impacts (noise, odor, and visual quality) on neighbors, e.g. the use of trash compactors or containment of all trash storage and handling within a building is encouraged.
- (3) Loading docks that are located and designed to minimize impacts (visual and operational) on neighbors.
- (4) Stormwater Best Management Practices and other measures to minimize runoff and improve water quality are implemented.
- (5) Landscaped areas and required Green Area Open Space, in addition to serving as visual amenities, are employed to reduce the rate and volume of stormwater runoff compared to predevelopment conditions.

- (6) The structure is designed and sited to minimize shadow impacts on neighboring lots, especially shadows that would have a significant impact on the use and enjoyment of adjacent open space and shadows that might impact the operation of a Registered Solar Energy System as defined in Section 22.60 of this Zoning Ordinance.
- (7) Changes in grade across the lot are designed in ways that minimize the need for structural retaining walls close to property lines.
- (8) Building scale and wall treatment, including the provision of windows, are sensitive to existing residential uses on adjacent lots.
- (9) Outdoor lighting is designed to provide minimum lighting and necessary to ensure adequate safety, night vision, and comfort, while minimizing light pollution.
- (10) The creation of a Tree Protection Plan that identifies important trees on the site, encourages their protection, or provides for adequate replacement of trees lost to development on the site.

Please refer to the Original Narrative at Tab 1. There are no changes proposed to either the building or site design that would create new or different environmental impacts upon the Project's neighbors.

- 19.34 Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system. Indicators include:
- (1) The building and site design are designed to make use of water-conserving plumbing and minimize the amount of stormwater run-off through the use of best management practices for stormwater management.
- (2) The building and site design are designed to make use of water-conserving plumbing and minimize the amount of stormwater run-off through the use of best management practices for stormwater management.
- (3) Buildings are designed to use natural resources and energy resources efficiently in construction, maintenance, and long-term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof of a building specifically. The buildings are sited on the lot to allow construction on adjacent lots to do the same. Compliance with Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards is encouraged.

Please refer to the Original Narrative at Tab 1. The proposed changes will have no new or different impacts on any City infrastructure services.

# 19.35 New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.

Please refer to the Original Narrative at Tab 1. The proposed changes will have no effect on the Project's relationship to Cambridge's urban development.

## 19.36 Expansion of the inventory of housing in the city is encouraged.

Please refer to the Original Narrative at Tab 1. The Project will continue to provide 84 new residential units, including 10 affordable units and two middle income units.

# 19.37 Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

Please refer to the Original Narrative. The proposed changes have no impact on the Project's provision of onsite open space or its enhancement of open space amenities in the neighborhood.

## V. <u>Noise Mitigation (Chapter 8.16 Noise Control)</u>

Please refer to the Original Narrative at Tab 1. The proposed changes will have no impact on noise generated by the Project nor will they impact the previously approved mechanical rooftop units.

## VI. <u>Summary of Community Outreach</u>

Because the proposed changes affect only the interior of the Project and will have no impacts on the neighborhood, the applicant has not engaged in any community process with respect to this amendment.

#### VII. <u>LEED Narrative</u>

Please refer to the Original Narrative at Tab 1. All proposed changes to the Project will also incorporate the LEED and sustainability features discussed therein.

### VIII. <u>Sewer Service Infrastructure Narrative</u>

Please refer to the original Sewer Service Infrastructure Narrative at Tab 1. The proposed changes will not impact the previously approved sewer service infrastructure for the Project.

## IX. Water Service Infrastructure Narrative

Please refer to the original Water Service Infrastructure Narrative at Tab 1. The proposed changes will not impact the previously approved water service infrastructure for the Project.

















